

September 03, 2020



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 20996
(FIRST REVISION)

EXPIRATION DATE: 2021-12-31

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of hazardous materials by rail without buffer cars between placarded cars and unoccupied engines. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 174.85(a) in that a buffer car is not required between an unoccupied distributed power locomotive and placarded hazmat carrying cars.
5. BASIS: This special permit is based on the request for reconsideration from Norfolk Southern Railway Company dated June 11, 2020 submitted in accordance with § 107.123.

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6. HAZARDOUS MATERIALS (49 CFR 172.101): As authorized in the HMR.

7. SAFETY CONTROL MEASURES:

a. PACKAGING: All train types and railcar types used with unoccupied distributed power units (UDP's).

b. OPERATIONAL CONTROLS:

(1) Locomotives other than UDP units will continue to be subject to the in-placement buffer car requirements of 49 CFR 174.85.

(2) The operating rail carrier will keep a copy of the Special Permit at its operating headquarters.

(3) The operating rail carrier will not deadhead employees on DP units operating under this Special Permit.

(4) The operating rail carrier will provide operating employees any necessary changes to their hazmat instructions to ensure compliance with the Special Permit.

(5) The operating rail carrier will provide notification to the FRA Staff Director, Hazardous Materials Division that it intends to utilize the Special Permit. The FRA contact is:

Mark A. Maday
Staff Director
Hazardous Materials Division
Office of Technical Oversight
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590
Phone: 202-493-0479
Email: mark.maday@dot.gov

(6) UDP's must display signage in the engineer and conductor side windows of the locomotive to visually indicate that the unit is operating as a UDP unit.

(7) UDP's must be locked to prevent unintended occupancy during operation.

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(8) UDP's are prohibited from placement next to the following types of shipments and must be separated by at least one (1) buffer car:

- (i) Class 1
- (ii) Division 2.3 (TIH/PIH)
- (iii) Division 6.1
- (iv) Class 7

8. SPECIAL PROVISIONS: A current copy of this special permit must be maintained at each facility where the train is assembled or interchanged in transportation.
9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried by the crew of each train operating UDP's under the terms of this special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
 - o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

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(SAFETEA-LU)–“The Hazardous Materials Safety and Security Reauthorization Act of 2005” (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term “exemption” to “special permit” and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Kenny Herzog